

REMARKS

I. Status of the Application

• Claims 17-41 are pending in the application. Claims 17-41 have been cancelled without prejudice to the filing of any appropriate continuation action. New claims 42-70, which correspond to cancelled claims 30-58 of U.S. Application Serial No.10/000,658, have been added.

Support for the amendments can be found in the specification as currently presented and the claims as originally filed. No new matter is added by the amendments to the claims.

Applicant respectfully requests entry and consideration of the foregoing amendments, which are intended to place this case in condition for allowance.

II. Support for New Claims 42-70.

New claims 42-70 correspond to cancelled claims 30-58 of U.S. Application Serial No.10/000,658, which is a continuation of U.S. Application Serial No. 09/374,172, filed on August 13, 1999; which is a continuation of U.S. Application Serial No. 09/054,156, filed on April 2, 1998; itself a divisional of U.S. Application No. 08/719, 569, filed on September 25, 1996, which issued on July 13, 1999 as U.S. Patent No. 5,922,307 and which claims priority from Provisional Application Serial No. 60/004,258, filed on September 25, 1995. The present application is also a continuation of U.S. Application Serial No. 09/054,156, and the two applications share a common specification. Support for these new claims is found throughout the specification and claims as originally filed. In particular, support is found at page 4, line 24 through page 7, line 26 and Example 2. Applicant notes that the Examiner, in his Office Action of February 26, 2002 regarding the 10/000,658 application from which these claims were copied, advanced no rejections under 35 U.S.C. §102, §103, or §112.

III. The Obviousness-Type Double Patenting Rejection.

Claims 17 to 41 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 13 to 48 of copending Application No. 10/050,196. Applicant respectfully traverses the rejection. That application, as well as the current application, claims priority from Provisional Application Serial No. 60/004,258, filed September 25, 1995. Claims 17 to 41 of the present application have been

copied into copending Application Serial No. 10/050,196 as new claims 49-63, and have been cancelled from the present application, obviating the obviousness-type double patenting rejection.

IV. The Statutory-Type Double Patenting Rejection.

Claims 17 to 41 stand provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 13-48 of copending Application No. 10/050,196. Applicant respectfully traverses the rejection. That application, as well as the current application, claims priority from Provisional Application Serial No. 60/004,258, filed September 25, 1995. Claims 17 to 41 of the present application have been copied into copending Application Serial No. 10/050,196 as new claims 49-63, and have been cancelled from the present application, obviating the statutory-type double patenting rejection.

V. The 35 U.S.C. 112, First Paragraph Rejection.

Claims 17 to 41 stand rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. These claims further stand rejected under 35 U.S.C. 112, first paragraph, as not being enabled. Applicant respectfully traverses these rejections. As described above, claims 17 to 41 have been cancelled from the present application, obviating the 35 U.S.C. §112, first paragraph rejection. Further, as indicated above, new claims 42 to 70 meet the requirements of 35 U.S.C. §112.

VI. New claims 42 to 70 are novel and nonobvious over Curtis et al., U.S. 6,174,516.

Claims 17 to 41 stand rejected under 35 U.S.C. 102(a/e) as being anticipated by, and under 35 U.S.C. 103(a) as being obvious over Curtis et al., U.S. 6,174,516, filed February 16, 1999. Applicant respectfully traverses these rejections and further contends that new claims 42-55 are not anticipated by Curtis et al.

As indicated above, claims 17 to 41 are cancelled, obviating the 102(a/e) and 103(a) rejection over Curtis et al. Further, the present application is a continuation of U.S. Patent Application Serial No. 09/054,156, filed April 2, 1998; which is in turn a divisional of U.S.

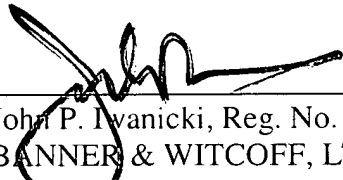
Patent Application No. 08/719,569, filed September 25, 1996, now U.S. Patent No. 5,922,307; which claims priority from Provisional Application Serial No. 60/004,258, filed September 25, 1995, each of which are incorporated by reference. The present application is therefore entitled to a filing date of September 25, 1995, or at a minimum of April 2, 1998, either of which precedes the February 16, 1999 filing date of Curtis et al. Therefore, Curtis et al. does not qualify as prior art for 102(a), 102(e) or 103(a) purposes. Applicant contends that the rejections are improper and should be withdrawn.

V. CONCLUSION

Reconsideration and allowance of all the pending claims and allowance of new claims 42-70 is respectfully requested. If a telephone conversation with Applicant's attorney would expedite prosecution of the above-identified application, the Examiner is requested to call the undersigned at (617) 227-7111.

Respectfully submitted,

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